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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,231	11/18/2003	Hilmar Meier	35469US1	6748
116	7590	10/24/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			SWERDLOW, DANIEL	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/716,231	MEIER ET AL.	
	Examiner Daniel Swerdlow	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 14 August 2006. These drawings are acceptable.

Claim Objections

2. The objections to the claims made in the prior Office action mailed on 13 March 2006 are withdrawn in view of applicant's amendment filed 14 August 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Brillhart et al. (US Patent 5,303,306).**

5. Regarding Claim 26, Brillhart discloses a remote control that corresponds to the input device claimed (Fig. 1, reference 24; Fig. 2; column 4, lines 59-63). Further, the remote control disclosed in Brillhart has selections for loading settings corresponding to particular sound environment conditions (i.e., automatic adjustment) and volume control modification of those settings (i.e., manual adjustment) (column 3, lines 38-47). The limitations involving selection between better understanding and more pleasant hearing carry no patentable weight since it is not

limiting on the structure of the input device what is done by the receiving device in response to transmitted commands.

6. Regarding Claim 27, Brillhart further discloses transmission by the remote control that corresponds to the input device claimed using infrared radiation (i.e., wirelessly) (Fig. 2, reference 60, 15; column 4, lines 59-63).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 through 5, 7 through 9, 12 through 17, 20, 21/15, 21/16, 21/17, 21/20, 23/15, 23/16, 23/17, 23/20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold et al. (US Patent 4,425,481).**

9. Regarding Claim 1, Brillhart discloses a hearing aid (Fig. 1, reference 10; Fig. 3) with settings modified (i.e., adapted) for environmental conditions (i.e., a momentary acoustic surround situation) (column 3, lines 38-47) in which: volume settings (i.e., parameters) are changed (i.e., adjusted) (column 9, lines 6-10), these volume settings being part of a parameter set saved in a shift register of the hearing aid (Fig. 3, reference 114; column 7, lines 16-23) and associated with (i.e., belonging to) a sound environmental condition (i.e., identified momentary sound situation) (column 3, lines 38-46). Brillhart further discloses changing the volume settings using a remote control (Fig. 1, reference 20; Fig. 2; column 3, lines 46-47; column 9, lines 6-10)

by the patient (i.e., manually adjusting parameters in accordance with the hearing desire of the hearing device user). Therefore, Brillhart anticipates all elements of Claim 1 except automatically adjusting parameters in accordance with the identified momentary surround situation. Mansgold discloses a hearing aid (Fig. 2) that automatically selects the signal process best suited to the particular sound environment (i.e., adjusts parameters in accordance with the momentary acoustic surround situation) (column 2, lines 15-18). One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply automatic selection as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

10. Regarding Claim 2, as shown above apropos of Claim 1, Brillhart anticipates all elements except automatically identifying the momentary acoustic surround situation. Mansgold discloses a hearing aid (Fig. 2) which automatically selects the signal process best suited to the particular sound environment (i.e., identifies the momentary acoustic surround situation) (column 2, lines 15-18). One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply automatic selection as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

11. Regarding Claim 3, Mansgold further discloses the signal processor that determines the particular sound environment that corresponds to the momentary acoustic surround situation is part of the device that corresponds to the hearing device claimed (Fig. 2, reference 4; column 2, line 68-column 3, line 5).

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12. Regarding Claim 4, Brillhart further discloses use of two buttons (Fig. 1, reference 24; column 4, lines 49-53) as a user input to adjust a parameter.

13. Regarding Claim 5, as shown above apropos of Claim 1, Brillhart anticipates all elements except adjusting parameters at the same time and commonly according to preset rules or rule sets. Mansgold discloses a hearing aid (Fig. 2) that automatically selects the signal process (i.e., adjusting parameters at the same time and commonly) best suited to the particular sound environment (column 2, lines 15-18) by returning a set of parameters according to a three bit characterization of the sound environment (i.e., according to preset rules) (column 4, lines 9-14, 25-32). One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply rule-based parameter adjustment as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

14. Regarding Claim 7, Brillhart further discloses the modified volume settings saved with other parameters in a shift register of the hearing aid (Fig. 3, reference 114; column 7, lines 16-23).

15. Regarding Claims 8 and 9, Brillhart further discloses the modified volume settings saved with other parameters in a shift register of the hearing aid (Fig. 3, reference 114; column 7, lines 16-23).

16. Regarding Claim 12, Mansgold further discloses averaging the outputs of three subbands of the input signal (i.e., extracting features from the momentary acoustic surround situation) and determines the listening situation based on the averaged outputs (column 5, lines 14-21).

17. Regarding Claim 13, Brillhart further discloses selecting settings (i.e., parameters) as a function of the sound environment (i.e., momentary acoustic surround situation) (column 3, lines 59-63).
18. Regarding Claim 14, Brillhart further discloses selecting settings (i.e., changing parameter values) as a function of the sound environment (i.e., momentary acoustic surround situation) (column 3, lines 59-63).
19. Regarding Claim 15, Brillhart discloses a system comprising a hearing aid (Fig. 1, reference 10; Fig. 3) that corresponds to the hearing device claimed and a remote control that corresponds to the input device claimed (Fig. 1, reference 20; Fig. 2), the hearing aid comprising: automatic gain controller bandpass filters, range compressors and amplifier (Fig. 3, reference 64, 66, 80, 100, 102, 104; column 6, lines 47-63) that together correspond to the transmission unit claimed; a microphone (62) and a speaker (106) that corresponds to the receiver claimed. Brillhart further discloses the transmission characteristics determined parameter set saved in a shift register memory of the hearing aid (Fig. 3, reference 114; column 7, lines 16-23) and selected and volume settings (i.e., parameters) are changed (i.e., adjusted) (column 9, lines 6-10) using the remote control that corresponds to the input device claimed (Fig. 1, reference 20; Fig. 2; column 3, lines 46-47; column 9, lines 6-10) by the patient (i.e., in accordance with the hearing desire of the hearing device user). Therefore, Brillhart anticipates all elements of Claim 15 except automatically adjusting parameters in accordance with the identified momentary surround situation. Mansgold discloses a hearing aid (Fig. 2) that automatically selects the signal process best suited to the particular sound environment (i.e., adjusts parameters in accordance with the momentary acoustic surround situation) (column 2, lines 15-18). One skilled in the art

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would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply automatic selection as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

20. Regarding Claim 16, as shown above apropos of Claim 15, Brillhart anticipates all elements except a signal processing unit identifying the momentary acoustic surround situation. Mansgold discloses a hearing aid (Fig. 2) in which an averaging detector and logic unit combination that corresponds to the signal processing unit claimed (Fig. 2, reference 19, 21; column 5, lines 15-22) automatically selects the signal process best suited to the particular sound environment (i.e., identifies the momentary acoustic surround situation) (column 2, lines 15-18). One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply automatic selection as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

21. Regarding Claim 17, Brillhart further discloses use of two buttons (Fig. 1, reference 24; column 4, lines 49-53) as a user input to adjust a parameter. Therefore, Brillhart anticipates all elements except adjusting parameters at the same time and commonly according to preset rules or rule sets. Mansgold discloses a hearing aid (Fig. 2) that automatically selects the signal process (i.e., adjusting parameters at the same time and commonly) best suited to the particular sound environment (column 2, lines 15-18) by returning a set of parameters according to a three bit characterization of the sound environment (i.e., according to preset rules) (column 4, lines 9-14, 25-32). One skilled in the art would have known that such an arrangement provides

convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply rule-based parameter adjustment as taught by Mansgold to the hearing aid taught by Brillhart for the purpose of realizing the aforesaid advantage.

22. Regarding Claim 20, Mansgold further discloses a triple averaging detector (Fig. 2, reference 19) that corresponds to the signal analyzing claimed and a logic unit (Fig. 2, reference 21) that corresponds to the signal identification unit claimed (column 4, lines 9-14).

23. Regarding Claims 21/15, 21/16, 21/17 and 21/20, Brillhart further discloses the input unit designed for manual key input (Fig. 1, reference 20).

24. Regarding Claims 23/15, 23/16, 23/17 and 23/20, Brillhart further discloses transmission by the remote control that corresponds to the input device claimed using infrared radiation (i.e., wirelessly) (Fig. 2, reference 60, 15; column 4, lines 59-63).

25. Regarding Claim 25, Brillhart further discloses the remote control that corresponds to the input device claimed having two buttons (Fig. 1, reference 24; column 4, lines 49-53) each for a user input to adjust a parameter in one of two opposite directions.

26. **Claims 6, 10, 18, 19, 21/18, 21/19, 23/18, 23/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold and further in view of Topholm (US Patent 4,947,432).**

27. Regarding Claim 6, as shown above apropos of Claim 5, the combination of Brillhart and Mansgold makes obvious all elements except selection between better understanding and more pleasant hearing. Topholm discloses a programmable hearing aid with selection between music listening (i.e., more pleasant) and in a car (i.e., better understanding) (column 6, lines 24-27).

Topholm further discloses this facility as “an essential advantage” (column 6, lines 22-23). It would have been obvious to one skilled in the art at the time of the invention to apply selection between better understanding and more pleasant hearing as taught by Topholm to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantages.

28. Regarding Claim 10, Brillhart further discloses the modified volume settings saved with other parameters in a shift register of the hearing aid (Fig. 3, reference 114; column 7, lines 16-23).

29. Regarding Claims 18, as shown above apropos of Claim 15, the combination of Brillhart and Mansgold makes obvious all elements except selection between better understanding and more pleasant hearing. Topholm discloses a programmable hearing aid with selection between music listening (i.e., more pleasant) and in a car (i.e., better understanding) (column 6, lines 24-27). Topholm further discloses this facility as “an essential advantage” (column 6, lines 22-23). It would have been obvious to one skilled in the art at the time of the invention to apply selection between better understanding and more pleasant hearing as taught by Topholm to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantages.

30. Regarding Claim 19, as shown above apropos of Claim 17 the combination of Brillhart and Mansgold makes obvious all elements except selection between better understanding and more pleasant hearing. Topholm discloses a programmable hearing aid with selection between music listening (i.e., more pleasant) and in a car (i.e., better understanding) (column 6, lines 24-27). Topholm further discloses this facility as “an essential advantage” (column 6, lines 22-23).

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It would have been obvious to one skilled in the art at the time of the invention to apply selection between better understanding and more pleasant hearing as taught by Topholm to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantages.

31. Regarding Claims 21/18 and 21/19, Brillhart further discloses the input unit designed for manual key input (Fig. 1, reference 20).

32. Regarding Claims 23/18 and 23/19, Brillhart further discloses transmission by the remote control that corresponds to the input device claimed using infrared radiation (i.e., wirelessly) (Fig. 2, reference 60, 15; column 4, lines 59-63):

33. **Claims 11/7, 11/ 8 and 11/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold and further in view of Meyer (US Patent 5,604,812).**

34. Regarding Claim 11/7, as shown above apropos of Claim 7, Brillhart the combination of Brillhart and Mansgold makes obvious all elements except replacing a parameter changed by the user several times. Meyer discloses a programmable hearing aid with automatic adaptation to auditory conditions that: identifies the current ambient/auditory situation (i.e., a momentary acoustic surround situation) (column 4, lines 57-60) and transmitting (i.e., saving) control parameters 17 defining transmission characteristics to the amplifier and transmission circuit 4 based on user inputs (column 5, lines 5-8) and incorporation of those user inputs into a rule set using fuzzy logic (column 3, lines 60-63). As such, consistent user correction results in incorporation of that correction into the rules for automatic selection. One skilled in the art

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would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply incorporation of user inputs as taught by Meyer to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantage.

35. Regarding Claims 11/8 and 11/9, as shown above apropos of Claims 8 and 9, the combination of Brillhart and Mansgold makes obvious all elements except replacing a parameter changed by the user several times. Meyer discloses a programmable hearing aid with automatic adaptation to auditory conditions that: identifies the current ambient/auditory situation (i.e., a momentary acoustic surround situation) (column 4, lines 57-60) and transmitting (i.e., saving) control parameters 17 defining transmission characteristics to the amplifier and transmission circuit 4 based on user inputs (column 5, lines 5-8) and incorporation of those user inputs into a rule set using fuzzy logic (column 3, lines 60-63). As such, consistent user correction results in incorporation of that correction into the rules for automatic selection. One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply incorporation of user inputs as taught by Meyer to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantage.

36. **Claim 11/10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold and further in view of Topholm and further in view of Meyer.**
Regarding Claim 11, as shown above apropos of Claim 10, the combination of Brillhart, Mansgold and Topholm makes obvious all elements except replacing a parameter changed by the

user several times. Meyer discloses a programmable hearing aid with automatic adaptation to auditory conditions that: identifies the current ambient/auditory situation (i.e., a momentary acoustic surround situation) (column 4, lines 57-60) and transmitting (i.e., saving) control parameters 17 defining transmission characteristics to the amplifier and transmission circuit 4 based on user inputs (column 5, lines 5-8) and incorporation of those user inputs into a rule set using fuzzy logic (column 3, lines 60-63). As such, consistent user correction results in incorporation of that correction into the rules for automatic selection. One skilled in the art would have known that such an arrangement provides convenience to the user. It would have been obvious to one skilled in the art at the time of the invention to apply incorporation of user inputs as taught by Meyer to the combination made obvious by Brillhart, Mansgold and Topholm for the purpose of realizing the aforesaid advantage.

37. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Topholm.

38. Regarding Claim 26, Brillhart discloses a remote control that corresponds to the input device claimed (Fig. 1, reference 24; Fig. 2; column 4, lines 59-63). Therefore, Brillhart anticipates all elements except selection between better understanding and more pleasant hearing. Topholm discloses a programmable hearing aid with selection between music listening (i.e., more pleasant) and in a car (i.e., better understanding) (column 6, lines 24-27). Topholm further discloses this facility as “an essential advantage” (column 6, lines 22-23). It would have been obvious to one skilled in the art at the time of the invention to apply selection between better understanding and more pleasant hearing as taught by Topholm to the remote control taught by Brillhart for the purpose of realizing the aforesaid advantages.

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39. Regarding Claim 27, Brillhart further discloses transmission by the remote control that corresponds to the input device claimed using infrared radiation (i.e., wirelessly) (Fig. 2, reference 60, 15; column 4, lines 59-63).

40. **Claims 22/15, 22/16, 22/17, 22/20, 24/15, 24/16, 24/17, 24/19 and 24/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold and further in view of Sauer.**

41. Regarding Claims 22/15, 22/16, 22/17 and 22/20, as shown above apropos of Claims 15, 16, 17 and 20, the combination of Brillhart and Mansgold makes obvious all elements except speech controlled input. Sauer discloses a voice controlled hearing aid (Figs. 1-3; column 1, lines 59-65). Sauer further discloses that such an arrangement improves user convenience by obviating the need to carry a separate control device (column 1, lines 53-58). It would have been obvious to one skilled in the art at the time of the invention to apply speech control as taught by Sauer to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantage.

42. Regarding 24/15, 24/16, 24/17 and 24/20, as shown above apropos of Claims 15, 16, 17 and 20, the combination of Brillhart and Mansgold makes obvious all elements except the integrated input device. Sauer discloses a voice controlled hearing aid (Figs. 1-3; column 1, lines 59-65) that integrates a voice decoder analyzer and microprocessor memory configuration (Figs. 1-3, reference 4-6) that corresponds to the input device claimed. Sauer further discloses that such an arrangement improves user convenience by obviating the need to carry a separate control device (column 1, lines 53-58). It would have been obvious to one skilled in the art at the time

of the invention to apply speech control as taught by Sauer to the combination made obvious by Brillhart and Mansgold for the purpose of realizing the aforesaid advantage.

43. **Claims 22/18, 22/19, 24/18 and 24/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brillhart in view of Mansgold and further in view of Topholm and further in view of Sauer.**

44. Regarding Claim 22/18 and 22/19, as shown above apropos of Claim 18, the combination of Brillhart, Mansgold and Topholm makes obvious all elements except speech controlled input. Sauer discloses a voice controlled hearing aid (Figs. 1-3; column 1, lines 59-65). Sauer further discloses that such an arrangement improves user convenience by obviating the need to carry a separate control device (column 1, lines 53-58). It would have been obvious to one skilled in the art at the time of the invention to apply speech control as taught by Sauer to the combination made obvious by Brillhart, Mansgold and Topholm for the purpose of realizing the aforesaid advantage.

Regarding Claim 24/18 and 24/19 as shown above apropos of Claim 18, the combination of Brillhart, Mansgold and Topholm makes obvious all elements except the integrated input device. Sauer discloses a voice controlled hearing aid (Figs. 1-3; column 1, lines 59-65) that integrates a voice decoder analyzer and microprocessor memory configuration (Figs. 1-3, reference 4-6) that corresponds to the input device claimed. Sauer further discloses that such an arrangement improves user convenience by obviating the need to carry a separate control device (column 1, lines 53-58). It would have been obvious to one skilled in the art at the time of the invention to

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apply speech control as taught by Sauer to the combination made obvious by Brillhart, Mansgold and Topholm for the purpose of realizing the aforesaid advantage.

Conclusion

45. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 571-272-7531. The examiner can normally be reached on Monday through Friday between 7:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh H. Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Swerdlow
Primary Examiner
Art Unit 2646

ds
22 October 2006